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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,656	05/16/2001	Barrie Jeremiah Mullins	ERLGP008US2	1010

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EXAMINER

SURYAWANSHI, SURESH

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 04/23/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,656

Applicant(s)

MULLINS ET AL.

Examiner

Suresh K Suryawanshi

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2115

DETAILED ACTION

1. Claims 1-6 are presented for examination.

Specification

2. The disclosure is objected to because of the following informalities: it seems that the provided docket no. PI29273 is incorrect at page 4, line 3, as examiner is unable to locate the application.

Appropriate correction is required.

Double Patenting

3. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

4. Claims 1-6 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-6 of copending Application No. 09/681645. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Art Unit: 2115

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hong (US Patent no 5,475,295) in view of Sterzik et al (US patent no 6,553,500 B1).

7. As per claim 1, Hong teaches

means for reading at least one signal [Fig. 1A; col. 3, lines 10-12; col. 4, lines 66-67; power controller receives a supply signal from a power source];

memory for storing [inherent to the system having a memory]; and

communicating means, responsive to a request from one of said devices, for a returning a state of said associated power supply unit to said requesting device [col. 1, lines 44-55; a remote controller requests status of a power supply and the system responses back with information], said state including a combination of:

Art Unit: 2115

a summary of the current status of the power supply unit [col. 1, lines 44-55; status of the power supply],

a said at least one value [col. 1, lines 44-55; status of the power supply],

said at least one scaling value [col. 1, lines 44-55; status of the power supply], and

according to said device request [col. 1, lines 44-55; request signal from the remote controller].

Hong does not disclose expressly if the status of power supply includes power supply unit serial number. However, Sterzik et al clearly disclose that the part number and any other information can be retrieved from a power supply unit [col. 2, lines 60-67; col. 3, lines 25-27]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed for accessing information about a power supply unit. Moreover, in the light of Sterzik et al disclosure, it is quite clear that the serial number (part number) of a power supply is easily available beside several other information and the information are easily accessible by a power controller or any other processing unit.

Art Unit: 2115

8. As per claim 2, Hong discloses the invention substantially. Hong does not disclose about controller is arranged to store scaling values. But a routineer in the art would know that a controller can store values in the system's common memory or a controller could be provided with a memory to store different kinds of values and information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a controller to store scaling values dependent on the supply levels supplied by the power supply unit.

9. As per claim 3, Hong teaches that device is a higher level processor arranged to monitor environmental conditions [col. 1, lines 44-55; remote controller].

10. As per claim 4, Hong discloses the invention substantially. Hong does not disclose expressly if the status of power supply includes power supply unit serial number. However, Sterzik et al clearly disclose that the part number and any other information can be retrieved from a power supply unit [col. 2, lines 60-67; col. 3, lines 25-27]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed for accessing information about a power supply unit. Moreover, in the light of Sterzik et al disclosure, it is quite clear that the serial number (part number) of a power supply is easily available beside several other information and the information are easily accessible by a power controller or any other processing unit.

Art Unit: 2115

11. As per claim 5, Hong teaches that controller is responsive to a device request to condition the amount of information returned by the power supply unit controller in response to the request [Fig. 1A; col. 1, lines 44-55; col. 2, lines 10-26].

12. As per claim 6, Hong teaches about at least one power supply unit [Fig. 1A; col. 1, lines 10-26].

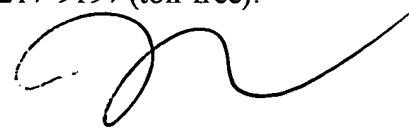
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K Suryawanshi whose telephone number is 703-305-3990. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sks
April 16, 2004



THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100